

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

RUTH SCHEIDT, on her own behalf and )  
on behalf of her son, M.S., as his mother )  
and next friend, )

Plaintiffs, )

v. )

TRI-CREEK SCHOOL CORPORATION, )

Defendant. )

No. 2:05-CV-204

**UNITED STATES MEMORANDUM AS AMICUS CURIAE IN SUPPORT OF  
PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION**

Tri-Creek School Corporation's ("Tri-Creek" or the "District") attendance policy violates plaintiffs' right to freely exercise their religion, and Ms. Scheidt's right to raise her son consistent with her religious beliefs. The policy provides that missing more than one school day for religious worship results in an unexcused absence, and subjects the student to various sanctions, including loss of academic credit, inability to make up work, suspension, and legal action against the parent. To adhere to the fundamental commandments of plaintiffs' religion, M.S. must miss more than one school day each year to attend religious services. As a result, last year M.S. received unexcused absences for the days he was attending religious services; teachers failed to allow him to make up classwork; and the District threatened expulsion and legal action, including the filing of educational neglect charges against Ms. Scheidt. M.S. faces the same conflict this academic year. The District's actions deny the fundamental right of the Scheidts to practice their religion, and of Ms. Scheidt to direct the religious education of her son, in violation of the Free Exercise Clause and the Fourteenth Amendment.































